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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,960	09/25/2003	George C. Lee	10350.0003	7045

26712 7590 02/16/2005

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ONE M & T PLAZA  
SUITE 2000  
BUFFALO, NY 14203-2391

EXAMINER

HANNON, THOMAS R

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/670,960	LEE ET AL.	
	Examiner	Art Unit	
	Thomas R. Hannon	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 6-16, 34-43 and 49-62 is/are allowed.
- 6) ☒ Claim(s) 17, 44, 63-69 and 72-74 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 18-33, 45-48, 70 and 71 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/2/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

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The abstract of the disclosure is objected to because of undue length. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The disclosure is objected to because of the following informalities: Page 9, line 6 is incomplete.

Appropriate correction is required.

Claims 4, 5, and 18-33 are objected to because of the following informalities: They do not depend from a previous claim. Moreover, as set forth the claims do not depend from the proper independent claims. The listing of claims presented in this application closely parallels that of the parent application, as amended, but presents informalities that must be addressed.

Claims 4 and 5, as noted above, depend from a higher number claim, that being claim 38.

However, the scope of claim 38 in the present application is not the same as in the parent application. For the subject matter of claim 4 to properly parallel the subject matter of parent claim 4, the subject matter should depend from current claim 35, as should the subject matter of claim 5. Dependent claims 18 and 31, each now depend from claim 31, however the subject matter of parent application claim 31 is now found in present claim 36. The subject matter of

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claims 18 and 31 should each depend from claim 36. The present listing of claims lists claim 72 twice. Any subsequent listing of claims must avoid this. Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17, 44, and 74 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Otsuka et al.

Claims 63-67 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Albin et al.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 68 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albin et al. as applied to claims 63-67 above, and further in view of Otsuka et al.

Otsuka et al. Discloses a seismic isolation apparatus in which the roller has a lateral configuration defined by a first cylindrical portion and at least one second cylindrical portion greater in diameter than the first cylindrical portion; the roller includes at least one circumferential groove arranged to engage a corresponding track on the lower plate and a corresponding track on the upper plate to prevent the roller from becoming unsteady or displaced. It would have been obvious to one of ordinary skill in the art at the time the invention

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was made to modify the configuration of the roller of Albin to include other stabilizing structure, including the different cylindrical portions taught and suggested by Otsuka et al.

Claims 72 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albin as applied to claims 63-67 above, and further in view of Helary et al.

Helary et al discloses an isolation bearing in which includes guide means acting between the lower plate and upper plate and each opposite end of the roller for synchronizing rotation of one end of the roller with the other end of the roller in rolling motion of the roller relative to the upward and downward facing bearing surfaces. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the isolation bearing assembly of Albin to include a synchronizing guide means between the roller and the upward and downward facing surfaces of the lower and upper plate, because this is taught and suggested by Helary et al.

Claims 1-3, 6-16, 34-43, and 49-62 are allowed.

Claims 45-48, 70, and 71 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas R. Hannon whose telephone number is (703) 308-2691. The examiner can normally be reached on Monday-Thursday (6:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas R. Hannon  
Primary Examiner  
Art Unit 3682

trh